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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,816	05/16/2006	Karl J. Liskow	10987-016	5962
<div>7590      02/06/2008</div> <div>Brinks Hofer Gilson &amp; Lione P.O. Box 10395 Chicago, IL 60610</div>				
			<div>EXAMINER</div> <div>COURSON, TANIA C</div>	
			<div>ART UNIT</div> <div>2859</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>02/06/2008</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/579,816

Applicant(s)

LISKOW, KARL J.

Examiner

TANIA C. COURSON

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 06JUN07.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because of the following:
  - a) The drawings must be clear of additional information, i.e. “WO 2005/049244” and “PCT/US2004/038759”.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2859

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Vasteras (US 3,554,249).

Vasteras disclose in Figure 1, an apparatus for passing an object through a system comprising:

With respect to claims 1-16:

- a) at least one support member (66), at least one gage block assembly (12) located opposite said at least one support member and having a moveable contact (32) located in spaced relation from said support member so as to define a gaging space therebetween (Fig. 1), said gage block assembly also including a measuring device (25) coupled to said contact, and a part handling member (10) coupled to an actuator (77), said actuator adapted to move said part handling member from a position contacting the workpiece on a first side of said gaging space to a position where the workpiece is in said gaging space and to a position where the workpiece is on an opposing side of said gaging space (Fig. 1), whereby the workpiece is passed between said support member and said gage block subassembly (Fig. 1);
- b) wherein said part handling member is moved in a direction along a longitudinal axis defined by said at least one support member (Fig. 1);
- c) wherein said support member defines a support surface (Fig. 1);

- d) wherein said support member is a rail (Fig. 1);
- e) wherein said rail is of carbide material (Fig. 1);
- f) wherein said rail is generally round in cross-section (Fig. 1);
- g) wherein said part handling member is continuously moveable by said actuator from said first side to said opposing side of said gaging space (Fig. 1);
- h) wherein said part handling member is moveable in a direction transverse to the longitudinal axis of the workpiece (Fig. 1);
- i) a workpiece receiving station (67) located adjacent to said first side of said gaging space, said receiving station including portions defining a workpiece receiving channel oriented transversely to said at least one support member (Fig. 1);
- j) wherein said workpiece receiving channel is defined by a V-block (Fig. 1);
- k) a means for moving said part handling member at a variable rate (column 4, lines 44-62);
- l) wherein said means for moving said part handling member causes movement of said part handling member at a slower rate when the workpiece is in said gaging space than when the workpiece is on said first side of said gaging space (column 4, lines 44-62);
- m) wherein said means for moving said part handling member is a retarder (13);
- n) wherein said retarder includes a shock absorber (51,62,76 & 81);
- o) wherein said retarder includes a portion rotatable to an over center position (44).

With respect to the preamble of the claims 1-16: the preamble of the claim has not been given any patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self – contained description of the structure not depending for completeness upon the introductory clause. *Kropa v. Robie*, 88 USPQ 478 ( CCPA 1951).

4. Claims 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Vasteras.

Vasteras disclose in Figure 1, a method for passing a cylindrical object through a system comprising:

With respect to claims 17-20:

- a) A method of measuring a cylindrical workpiece (11) comprising providing a generally cylindrical workpiece (11) defining a longitudinal axis therethrough (Fig. 1), moving the workpiece from a start position into a gaging space defined within a gage assembly (12), measuring the workpiece at at least two locations along its length when the workpiece is located in the gaging space (Fig. 1), moving the workpiece from the gaging space to an exit position where the workpiece is discharged from the gage assembly (column 3, line 22 through column 4, line 41), wherein the moving steps move the workpiece in a direction transverse to the longitudinal axis of the workpiece (Fig. 1), and wherein the moving steps continuously move the workpiece from the start

Art Unit: 2859

position, through the gaging position and to the exit position (column 4, lines 44-62);

b) wherein the moving steps move the workpiece at a variable rate (column 4, lines 44-62);

c) wherein the moving steps move the workpiece at a reduced rate at the gaging station than the rate the workpiece is moved from the start position (column 4, lines 44-62);

d) wherein the moving steps move the workpiece at a reduced rate at the gaging station than the rate the workpiece is moved to the exit position (column 4, lines 44-62).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art cited on PTO-892 and not mentioned above disclose a gauge:

Liskow et al. (US 2006/0248960)

Liskow (US 5,099,585)

Liskow (US 6,645,047 B1)

Le (US 7,043,851 B1)

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tania C. Courson whose telephone number is (571) 272-2239.

Art Unit: 2859

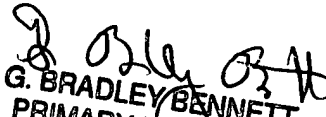
The examiner can normally be reached on Monday, Wednesday and Thursday from 9AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard, can be reached on (571) 272-1984.

The fax number for this Organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TCC  
January 28, 2008

  
G. BRADLEY BENNETT  
PRIMARY EXAMINER  
A U. 2859